



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2014 APR -1 PM 4: 32

April 1, 2014

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Kristin D. Roser/Sari Pickeral *KDR* *dp*
Reports Analysis Division
Compliance Branch

SUBJECT: Reason To Believe Recommendation –2013 Year-End Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2013 Year-End Report in accordance with 2 U.S.C. 434(a). The Year-End Report was due on January 31, 2014.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

Federal Election Commission
Reason to Believe Circulation Report
2013 YEAR-END Not Election Sensitive 01/31/2014 H_S_P_UNAUTH

| AF# | Committee ID | Committee Name | Candidate Name | Treasurer | Threshold | PV | Receipt Date | Days Late | LOA | RTB Penalty |
|------|--------------|--|-----------------------------|------------------------|-------------|----|--------------|-----------|-----------------|-------------|
| 2773 | C00540385 | BEALE FOR CONGRESS | BEALE, ANTHONY A | STEVEN R. BURRIS | \$369,434 | 2 | | Not Filed | \$92,359 (est) | \$5,775 |
| 2774 | C00411173 | COMMERCIAL REAL ESTATE FINANCE COUNCIL PAC | | STEPHEN RENNA | \$124,627 | 0 | 2/7/2014 | 7 | \$36,645 | \$340 |
| 2775 | C00553164 | DAVID M ALAMEEL FOR UNITED STATES SENATE | ALAMEEL, DAVID M | DAVID PULLING | \$1,257,586 | 0 | 2/6/2014 | 6 | \$1,257,586 | \$6,700 |
| 2776 | C00507780 | FLEMMING FOR CONGRESS | FLEMMING, STANLEY L K | MARTHA FLEMMING | \$135,174 | 0 | 3/18/2014 | Not Filed | \$5,050 | \$330 |
| 2777 | C00279315 | FRIENDS OF BARBARA BOXER | BOXER, BARBARA | STEPHEN J. KAUFMAN | \$560,420 | 0 | 2/20/2014 | 20 | \$183,838 | \$3,980 |
| 2778 | C00224790 | GRAYROBINSON, P.A., POLITICAL ACTION COMMITTEE | | J. CHARLES GRAY | \$101,815 | 0 | | Not Filed | \$101,815 (est) | \$4,950 |
| 2779 | C00505800 | JILL STEIN FOR PRESIDENT | STEIN, JILL | JAMES MORAN | \$218,403 | 1 | | Not Filed | \$19,855 (est) | \$687 |
| 2780 | C00550780 | JIM RUBENS FOR US SENATE | RUBENS, JIM | JEFF POSTUPACK | \$320,860 | 0 | 2/18/2014 | 18 | \$43,314 | \$560 |
| 2781 | C00547232 | JOE PALUMBO FOR CONGRESS | PALUMBO, JOSEPH E | KEITH BUCKHOUT | \$182,849 | 0 | | Not Filed | \$182,849 (est) | \$6,050 |
| 2782 | C00431304 | MCCASKILL FOR MISSOURI | MCCASKILL, CLAIRE | MICHELLE SHEROD | \$1,334,485 | 0 | 2/14/2014 | 14 | \$217,010 | \$3,550 |
| 2783 | C00009845 | MONTGOMERY COUNTY DEMOCRATIC CENTRAL COMMITTEE | | PAMELA E. QUEEN | \$265,722 | 0 | | Not Filed | \$184,557 (est) | \$6,050 |
| 2784 | C00518027 | STEVE SALAZAR FOR CONGRESS | SALAZAR, STEVE | ROSARIO RODRIGUEZ | \$110,712 | 3 | | Not Filed | \$110,712 (est) | \$8,662 |
| 2785 | C00546747 | WELLS GRIFFITH FOR CONGRESS | GRIFFITH, PRESTON WELLS III | RICHARD BYRON WILLIAMS | \$394,486 | 0 | | Not Filed | \$197,243 (est) | \$6,050 |

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2013)
Year-End Report for the Administrative)
Fine Program:)
BEALE FOR CONGRESS, and STEVEN R) AF# 2773
BURRIS as treasurer;)
COMMERCIAL REAL ESTATE) AF# 2774
FINANCE COUNCIL PAC, and RENNA,)
STEPHEN as treasurer;)
DAVID M ALAMEEL FOR UNITED) AF# 2775
STATES SENATE, and DAVID PULLING)
as treasurer;)
FLEMMING FOR CONGRESS, and) AF# 2776
MARTHA FLEMMING as treasurer;)
FRIENDS OF BARBARA BOXER, and) AF# 2777
STEPHEN KAUFMAN as treasurer;)
GRAYROBINSON, P.A., POLITICAL) AF# 2778
ACTION COMMITTEE, and GRAY, J.)
CHARLES as treasurer;)
JILL STEIN FOR PRESIDENT, and) AF# 2779
MORAN, JAMES as treasurer;)
JIM RUBENS FOR US SENATE, and) AF# 2780
JEFF POSTUPACK as treasurer;)
JOE PALUMBO FOR CONGRESS, and) AF# 2781
KEITH BUCKHOUT as treasurer;)
MCCASKILL FOR MISSOURI, and) AF# 2782
MICHELLE SHEROD as treasurer;)
MONTGOMERY COUNTY) AF# 2783
DEMOCRATIC CENTRAL)
COMMITTEE, and QUEEN, PAMELA E)
as treasurer;)
STEVE SALAZAR FOR CONGRESS, and) AF# 2784
ROSARIO RODRIGUEZ as treasurer;)
WELLS GRIFFITH FOR CONGRESS, and) AF# 2785
RICHARD BYRON WILLIAMS as)
treasurer;)

2014 NOV 20 10 00 AM

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 03, 2014 the Commission took the following actions on the Reason To Believe Recommendation - 2013 Year-End Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated April 01, 2014, on the following committees:

AF#2773 Decided by a vote of 6-0 to: (1) find reason to believe that BEALE FOR CONGRESS, and STEVEN R BURRIS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2774 Decided by a vote of 6-0 to: (1) find reason to believe that COMMERCIAL REAL ESTATE FINANCE COUNCIL PAC, and RENNA, STEPHEN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2775 Decided by a vote of 6-0 to: (1) find reason to believe that DAVID M ALAMEEL FOR UNITED STATES SENATE, and DAVID PULLING as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2776 Decided by a vote of 6-0 to: (1) find reason to believe that FLEMMING FOR CONGRESS, and MARTHA FLEMMING as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2777 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF BARBARA BOXER, and STEPHEN KAUFMAN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount

indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2778 Decided by a vote of 6-0 to: (1) find reason to believe that GRAYROBINSON, P.A., POLITICAL ACTION COMMITTEE, and GRAY, J. CHARLES as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2779 Decided by a vote of 6-0 to: (1) find reason to believe that JILL STEIN FOR PRESIDENT, and MORAN, JAMES as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2780 Decided by a vote of 6-0 to: (1) find reason to believe that JIM RUBENS FOR US SENATE, and JEFF POSTUPACK as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2781 Decided by a vote of 6-0 to: (1) find reason to believe that JOE PALUMBO FOR CONGRESS, and KEITH BUCKHOUT as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2782 Decided by a vote of 6-0 to: (1) find reason to believe that MCCASKILL FOR MISSOURI, and MICHELLE SHEROD as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2783 Decided by a vote of 6-0 to: (1) find reason to believe that MONTGOMERY COUNTY DEMOCRATIC CENTRAL COMMITTEE, and QUEEN, PAMELA E as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2784 Decided by a vote of 6-0 to: (1) find reason to believe that STEVE SALAZAR FOR CONGRESS, and ROSARIO RODRIGUEZ as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 4, 2014

Michelle Sherod, in official capacity as Treasurer
McCaskill for Missouri
P.O. Box 300077
St Louis, MO 63130

C00431304
AF#: 2782

Dear Ms. Sherod:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year-End Report of Receipts and Disbursements every calendar year. This report, covering the period October 1, 2013 through December 31, 2013, shall be filed no later than January 31, 2014. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on February 14, 2014, fourteen (14) days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On April 3, 2014, the FEC found that there is reason to believe ("RTB") that McCaskill for Missouri and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before January 31, 2014. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$3,550. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$3,550 is due within forty (40) days of the finding, or by May 13, 2014, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$217,010
Number of Days Late: 14
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the

Commission's RTB finding, or May 13, 2014. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that McCaskill for Missouri and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$3,550 for the 2013 Year-End Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by May 13, 2014. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: McCaskill for Missouri

FEC ID#: C00431304

AF#: 2782

PAYMENT DUE DATE: May 13, 2014

PAYMENT AMOUNT DUE: \$3,550



2014 MAY 12 PM 3: 16

May 7, 2014

Federal Election Commission
Office of Administrative Review
999 East Street, NW
Washington, DC 20463

AF#: 2782
FEC Identification Number: C00431304

Dear Review Board,

I respectfully challenge the RTB finding of civil money penalties assessed to the McCaskill for Missouri campaign. The use of best efforts to file our report in a timely manner was demonstrated and was prevented by reasonably unforeseen circumstances beyond the campaign's control.

On January 30, 2014, the 2013 McCaskill for Missouri Year End report was shipped via USPS Priority Mail to the Senate Office of Public Records, P.O. Box 77578, Alexandria, VA, with the delivery signature waived. The tracking number of this package was EK021065801US. The receipt for this package is attached.

On February 14, 2014, I was notified by USPS that the package had been returned. Written on the USPS Priority Mail sticker was "Unable to Deliver to PO Box." This handwritten note was on the carbon receipt form of the USPS label stuck to the packaging. I asked the Postal worker if she could look up the reason for why the package was not delivered and her records indicated a note stating "Undeliverable as Addressed." I confirmed the address was correct on the carbon receipt stuck to the package and asked if there was any further explanation as to why it had not been delivered. She stated that it is at the discretion of the Postal Carrier to give the reason and return.

I filled out a USPS Overnight Priority mail form right then to resend the report to the physical office of the Senate Office of Public Records in 232 Hart Senate Office Building. This USPS Priority label form was stuck directly over the original USPS Priority label. At the time, it did not occur to me to repackage the report in a new envelope in order to keep the original packaging as proof.

After resending the report, I phoned our Federal Election Commission (FEC) Analyst Mr. Tyler Culberson and made him aware of what happened. He instructed me to fax him a letter

P.O. Box 300077 St. Louis, MO 63130 ~ Phone 314-918-8100 Fax 314-918-8128

www.ClaireMcCaskill.com

Paid for by McCaskill for Missouri 2012

1 pages



MISCELLANEOUS TEXT (FEC Form 99)
February 14, 2014

Identification Number: C00431304

Tyler Culberson
Campaign Finance Analyst
Reports Analysis Division
Federal Election Commission
Washington, DC 20463

Reference: ~~2013 Year End Report~~ due 1/31/2014

~~Per our discussion in city, the 2013 Year End report was shipped via USPS Priority Mail to the Senate Office of Public Records PO Box in Alexandria, VA with a delivery signature waived on 01/30/2014. The tracking number of this package was EK021065801US. The receipt for this package is attached.~~

~~The package was returned back to the campaign on 2/14/2014 with a note stating that USPS was unable to deliver the package because the PO Box was not found.~~

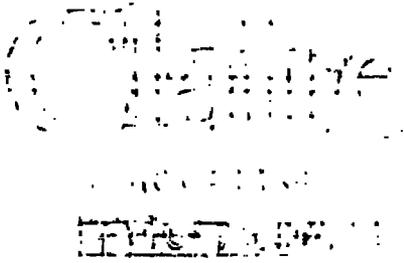
~~The Report was resent today, 2/14/2014 via Priority Overnight to the Senate Office of Public Records at the Hart Office Building address, also with the signature waived. Tracking number for this new shipment is EK066680723US.~~

~~Per your instructions I have enclosed the first pages of the above mentioned report.~~

Regards,

Kathryn Jayne Drennen, Deputy Treasurer

McCaskill for Missouri
(314) 968-2600 Office



P.O. Box 300077 St. Louis, MO 63130 ~ Phone 314-918-8100 ~~Fax 314-918-8128~~

www.ClaireMcCaskill.com

Paid for by McCaskill for Missouri 2012

①

NUMBENBOUT

JACKENZIE POINTE BRANCH
Saint Louis, Missouri
631199998

2871440236 -0097
(314)351-5281 01:56:39 PM

01/30/2014

| Product Description | Sales Receipt | | Final Price |
|---------------------|---------------|------------|-------------|
| | Sale Qty | Unit Price | |

| | | | |
|-----------|---|---------|---------|
| (Forever) | 1 | \$49.00 | \$49.00 |
|-----------|---|---------|---------|

| | | | |
|-----------------------------------|--|--|--|
| Star-Spangled Banner PSA Coil/100 | | | |
|-----------------------------------|--|--|--|

| | | | |
|-----------|---|---------|---------|
| (Forever) | 1 | \$49.00 | \$49.00 |
|-----------|---|---------|---------|

| | | | |
|-----------------------------------|--|--|--|
| Star-Spangled Banner PSA Coil/100 | | | |
|-----------------------------------|--|--|--|

| | | | |
|---------------------------|--|--|--------|
| CAMBRIDGE MA 02139 Zone-6 | | | \$3.76 |
|---------------------------|--|--|--------|

First-Class Mail Parcel

10.50 oz.

Expected Delivery: Mon 02/03/14

PID #:

9114901189866592807462

Issue PVI: \$3.76

~ ALEXANDRIA VA 22301 Zone-5 \$35.20

Priority Mail Express 1-Day

1 lb. 8.80 oz.

USPS Tracking #:

EK021065801US

Scheduled Delivery Day: Sat 02/01/14

03:00PM - Money Back Guarantee

Includes \$100 insurance

Signature Waived

Issue PVI: \$35.20

Total: \$136.96

Paid by:

Personal Check \$136.96

SUMMARY PAGE

FEC Form 3 (Revised 02/2003)

of Receipts and Disbursements

PAGE 2 / 146

Write or Type Committee Name
McCaskill for Missouri

Report Covering the Period: From: ^M10 / ^D01 / ^Y2013 To: ^M12 / ^D31 / ^Y2013

DUPLICATE

| | COLUMN A This Period | COLUMN B Election Cycle-to-Date |
|--|-------------------------|------------------------------------|
| 6. Net Contributions (other than loans) | | |
| (a) Total Contributions (other than loans) (from Line 11(e)) | 87382.17 | 754838.12 |
| (b) Total Contribution Refunds (from Line 20(d)) | 425.00 | 20551.00 |
| (c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a)) | 86957.17 | 734287.12 |
| 7. Net Operating Expenditures | | |
| (a) Total Operating Expenditures (from Line 17) | 43592.56 | 1083892.80 |
| (b) Total Offsets to Operating Expenditures (from Line 14) | 88.00 | 66173.21 |
| (c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a)) | 43504.56 | 1017719.59 |
| 8. Cash on Hand at Close of Reporting Period (from Line 27) | 148707.32 | |
| 9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D) | 0.00 | |
| 10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D) | 35000.00 | |

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

DETAILED SUMMARY PAGE
of Receipts

FEC Form 3 (Revised 12/2003)

PAGE 3 / 146

Write or Type Committee Name

McCaskill for Missouri

Report Covering the Period: From: ^{M M / D D / Y Y Y Y} 10 01 2013 To: ^{M M / D D / Y Y Y Y} 12 31 2013

I. RECEIPTS

COLUMN A
Total This Period

COLUMN B
Election Cycle-to-Date

11. CONTRIBUTIONS (other than loans) FROM:

(a) Individuals/Persons Other Than Political Committees

(i) Itemized (use Schedule A).....

40717.80

346106.65

(ii) Unitemized.....

12164.37

192340.55

(iii) TOTAL of contributions from individuals ▶

52882.17

538447.20

(b) Political Party Committees.....

0.00

0.00

(c) Other Political Committees (such as PACs).....

34500.00

216390.92

(d) The Candidate.....

0.00

0.00

(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(ii), (b), (c), and (d))..

87382.17

754838.12

12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES.....

44500.00

111923.77

13. LOANS:

(a) Made or Guaranteed by the Candidate.....

0.00

50000.00

(b) All Other Loans.....

0.00

0.00

(c) TOTAL LOANS (add Lines 13(a) and (b)).....

0.00

50000.00

14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.).....

88.00

66173.21

15. OTHER RECEIPTS (Dividends, Interest, etc.).....

16023.56

34205.83

16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4)..... ▶

147993.73

1017140.93

(6)

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3 (Revised 02/2003)

PAGE 4 / 146

| II. DISBURSEMENTS | COLUMN A Total This Period | COLUMN B Election Cycle-to-Date |
|--|-------------------------------|------------------------------------|
| 17. OPERATING EXPENDITURES..... | 43592.56 | 1083892.80 |
| 18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES | 0.00 | 88.00 |
| 19. LOAN REPAYMENTS: | | |
| (a) Of Loans Made or Guaranteed by the Candidate..... | 0.00 | 15000.00 |
| (b) Of All Other Loans | 0.00 | 0.00 |
| (c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b))..... | 0.00 | 15000.00 |
| 20. REFUNDS OF CONTRIBUTIONS TO: | | |
| (a) Individuals/Persons Other Than Political Committees | 425.00 | 11051.00 |
| (b) Political Party Committees..... | 0.00 | 0.00 |
| (c) Other Political Committees (such as PACs)..... | 0.00 | 9500.00 |
| (d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c))..... | 425.00 | 20551.00 |
| 21. OTHER DISBURSEMENTS | 25000.00 | 153192.22 |
| 22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ► | 69017.56 | 1272724.82 |

III. CASH SUMMARY

| | |
|---|-----------|
| 23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD..... | 69731.15 |
| 24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3)..... | 147993.73 |
| 25. SUBTOTAL (add Line 23 and Line 24)..... | 217724.88 |
| 26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)..... | 69017.56 |
| 27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25)..... | 148707.32 |

⑦



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 12, 2014

Michelle Sherod
McCaskill for Missouri
P.O. Box 300077
St. Louis, MO 63130

C00431304
AF#: 2782

Dear Ms. Sherod

On May 12, 2014, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") for McCaskill for Missouri and you, in your official capacity as Treasurer, which is being reviewed by OAR. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

pp. *Kristin D. Rosen*

for Rhiannon Magruder
Reviewing Officer
Office of Administrative Review

OUTLINE

Date: June 16, 2014

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 2782

Committee Name: McCaskill for Missouri

Committee ID#: C00431304

Committee Address (if different than in RTB letter): N/A

Treasurer Name (if different than in RTB finding): N/A

Attachments:

- Copy of RTB Circulation Report, dated April 1, 2014 and RTB Certification, dated April 3, 2014 (Y/N): Previously Forwarded
- Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y
-
- Other Relevant Telecoms (Y/N): N
- Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N
- RAD Staff Declaration (Y/N): Y
 - 2013 Year-End Report Notice, dated December 27, 2013.
 - Non-Filer Letter, dated February 19, 2014.
 - RTB Letter, dated April 4, 2014.
- Other RAD Information: (Y/N): N



Date: April 18, 2014

Sari Pickerall:

The following is in response to your April 18, 2014 request for delivery information on your Priority Mail Express® item number EM302697344US. The delivery record shows that this item was delivered on April 17, 2014 at 9:43 am in SAINT LOUIS, MO 63130 to K DRENNEN. The scanned image of the recipient information is provided below.

Signature of Recipient :


Kathryn Drennen

Address of Recipient :

300077

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

DECLARATION OF KRISTIN D. ROSER

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to McCaskill for Missouri:
 - A) Report Notice, dated December 27, 2013, referencing the 2013 Year-End Report (sent via electronic mail to: katheryn@kejdc.compliance.com);
 - B) Non-Filer Letter, dated February 19, 2014, referencing the 2013 Year-End Report;
 - C) Reason-to-Believe Letter, dated April 4, 2014 referencing the 2013 Year-End Report.
3. I hereby certify that I have searched the Commission's public records and find that McCaskill for Missouri filed the 2013 Year-End Report with the Commission on February 14, 2014.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 16th day of June, 2014.


Kristin D. Roser
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



YEAR-END REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

December 27, 2013

CURRENT REPORT DUE:

| REPORT | CLOSE OF BOOKS ¹ | REG./CERT. & OVERNIGHT MAILING DEADLINE | FILING DEADLINE |
|----------|-----------------------------|---|-----------------|
| Year-End | 12/31/13 | 01/31/14 | 01/31/14 |

[Click here for Supplemental Filing Information \(2013\)](#)

LOOKING AHEAD TO 2014

| REPORT | CLOSE OF BOOKS ¹ | REG./CERT. & OVERNIGHT MAILING DEADLINE | FILING DEADLINE |
|-------------------|--|---|-----------------------|
| April Quarterly | 03/31/14 | 04/15/14 | 04/15/14 |
| July Quarterly | 06/30/14 | 07/15/14 | 07/15/14 |
| October Quarterly | 09/30/14 | 10/15/14 | 10/15/14 |
| Pre-General | 10/15/14 | 10/20/14 | 10/23/14 |
| 48-Hour Notices | Period: 10/16/14 – 11/01/14 ---- click here for filing info ---- | | |
| Post-General | 11/24/14 | 12/04/14 | 12/04/14 |
| Year-End | 12/31/14 | 01/31/15 | 01/31/15 ² |

[Click here for Supplemental Filing Information \(2014\)](#)

¹These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

²Notice that this filing deadline falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's (or for Senate candidates, the Secretary of the Senate Public Records Office's) close of business on the last business day before the deadline.

2013 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Principal campaign committees of current and former congressional candidates¹ (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2013.² See 11 CFR 104.5(a). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e). See also 11 CFR 104.18 and 100.19.

- Web Page: [Electronic Filing Page](#)
- *Candidate Guide for Congressional Candidates and Committees (Candidate Guide)*, pp. 83-86 [PDF]

Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e). See also 11 CFR 100.19.

- Web Page: [Link to Paper Forms](#) (for downloading and printing)
- *Candidate Guide*, p. 82 [PDF]

2013 REPORTING SCHEDULE

- Web Page: [2013 Reporting Dates Page](#)
- The *Record*:
 - [FEC Record Blog: Reporting](#)
 - [January 2013 Reporting Article](#) [PDF]
- *Candidate Guide*, p. 83 [PDF]

¹ Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a). See also 11 CFR 104.5(a).

² If a candidate has more than one authorized committee, the principal campaign committee files a consolidated report on [Form 3Z](#) [PDF]. See 11 CFR 104.3(f).

COMPLIANCE

Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- Candidate Guide, p. 7 -9 [PDF]

Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).³ See generally, 11 CFR Part 111 Subpart B. See 11 CFR 111.43(b). See also 11 CFR 111.43.

- Web Page: Administrative Fine Program Page
- Candidate Guide, pp. 82-83 [PDF]

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registant PACs that aggregate in excess of \$17,100 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22(b) and 11 CFR 110.17(e)(2).

- *The Record*: March 2009 issue [PDF]
- Candidate Guide, Appendix F, pp. 155-161 [PDF]

IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.⁴ This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC (rather than the Secretary of the Senate) may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

³ Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions received that are not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations. See 11 CFR 111.44.

⁴ Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

LOOKING AHEAD TO 2014

WHO MUST FILE

Principal campaign committees of current and former congressional candidates¹ (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2014.² In addition, committees of candidates participating in an election must file pre-election and, as applicable, post-election reports, as described below.

All ongoing committees (regardless of the level of financial activity) and new campaigns that raise or spend more than \$5,000 for the 2014 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2014. This applies even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(1).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2014 state primary, nominating convention or runoff election – even if unopposed – must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports.

11 CFR 104.5(a)(2).

- Web Page: 2014 Congressional Pre-Primary Reporting Dates – coming in 2014
- The Record:
 - FEC Record Blog: Reporting
 - January 2014 Article [PDF] – coming in 2014
- Candidate Guide, pp. 81-82 [PDF]

¹ Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions received or expenditures made. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

² If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z [PDF].

48 HOUR NOTICES ON CONTRIBUTIONS

The principal campaign committee must file notices if any authorized committees of the candidate receive any contribution (**including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee**) of \$1,000 or more per source, during the period less than 20 days but more than 48 hours before any election in which the candidate is running. See 11 CFR 104.5(f).

The notices which may be filed using Form 6, or a letter containing the same information, must reach the appropriate federal and/or state filing office(s) within 48 hours of the committee's receipt of the contribution(s). See 11 CFR 104.5(f). Senate candidates file 48 hour notices with the Secretary of the Senate; all other candidate committees file with the FEC. **Campaign committees that file electronically MUST submit their 48 hour notices electronically.**

See 11 CFR 104.5(f).

- Web Page: Electronic Filing
- Web Page: Link to Paper Forms (for downloading and printing)
- Web Page: Link to Web Form 6 (for online submission)
- Web Page: State Filing Waivers
- Form 6 Fax numbers
 - Senate campaigns (Secretary of the Senate): (202) 224-1851
 - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: Candidate Guide, p. 81 [PDF]

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

MCCASKILL FOR MISSOURI

Page 2 of 2

If you have any questions regarding this matter, please contact Christopher Ritchie at our toll-free number (800)424-9530. Our direct local number is (202)694-1130.

Sincerely,

Debbie Chacona

Deborah Chacona
Assistant Staff Director
Reports Analysis Division

250

14330043855



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2014 JUN 19 AM 10: 02

SENSITIVE

June 18, 2014

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: AF# 2782 – McCaskill for Missouri and Michelle Sherod, in her official capacity
as Treasurer (C00431304)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

1400210010



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 18, 2014

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2782 – McCaskill for Missouri and Michelle Sherod, in her official capacity as Treasurer
(C00431304)

Summary of Recommendation

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$3,550 civil money penalty.

Reason-to-Believe Background

The 2013 Year End Report was due on January 31, 2014. The respondents filed the report on February 14, 2014, 14 days late. The report is not election sensitive and was filed within 30 days of the due date; therefore, the report is considered late. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On April 3, 2014, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2013 Year End Report and made a preliminary determination that the civil money penalty was \$3,550 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on April 4, 2014 to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending December 31 no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(2)(B) and 11 C.F.R. § 104.5(a)(1)(i). All reports required to be filed by the principal campaign committee of a candidate for the office of U.S. Senator shall be filed with the Secretary of the Senate. 2 U.S.C. § 432(g) and 11 C.F.R. § 105.2. If the report is sent by registered or certified mail, by Express or Priority Mail with delivery confirmation or by overnight delivery service with an online tracking system, and scheduled for next business day delivery, it must be postmarked, or deposited with the mailing service, no later than the filing date to be timely filed. 2 U.S.C. § 434(a)(5), and 11 C.F.R. §§ 100.19 and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge

On May 12, 2014, the Commission received the written response ("challenge") from Kathryn Jayne Drennen, the Committee's Deputy Treasurer, challenging the RTB finding. The challenge states that "[o]n January 30, 2014, the 2013 McCaskill for Missouri Year End [R]eport was shipped via [United States Postal Service ("USPS")] Priority Mail to the Senate Office of

Public Records, P.O. Box 77578, Alexandria, VA, with the delivery signature waived.” On February 14, Ms. Drennen was notified that the package was returned with a note indicating it could not be delivered to the P.O. Box. Ms. Drennen confirmed the shipment address on the package was correct and asked USPS to provide further details regarding the reason it was returned. USPS had no further details other than the package was undeliverable as addressed.

Ms. Drennen states that she immediately re-mailed the report to the physical address of the Secretary of the Senate’s Office of Public Records (“OPR”), without keeping the original envelope as proof of mailing. She also contacted the RAD Analyst, and upon his request, faxed a letter explaining the situation, along with the USPS receipts and the first four pages of the report.

On February 19, after receiving a letter from the Commission, Ms. Drennen contacted the RAD Analyst listed as the point of contact and explained the situation. Despite the Committee never experiencing any issues with USPS deliveries to the P.O. Box, the Analyst noted that USPS services had been unreliable in the past. The Analyst indicated the documents she previously faxed would be reviewed and no further action would be required by the Committee. The letter was subsequently removed from the FEC’s website.

Ms. Drennen further states:

“The campaign has also elected to unofficially file the reports electronically in a show of transparency. You will note that the same 2013 Year End report that was eventually received by the Senate Office of Public Records was filed electronically on January 30, 2014, the same day that the report was originally shipped.”

Ms. Drennen concludes by stating the RTB letter appears to have been sent in error and asks that the Commission reconsider and waive the civil money penalty.

Analysis

Commission records indicate OPR physically received the respondents’ 2013 Year End Report on February 20, 2014. It is considered filed on the USPS Express Mail postmark date of February 14, 2014 pursuant to 2 U.S.C. § 434(a)(5), and 11 C.F.R. §§ 100.19 and 104.5(e).

According to RAD telecoms (written records of telephone conversations), on February 14, 2014, Ms. Drennen called the RAD Reviewing Analyst to explain USPS had returned the package containing the 2013 Year End Report. Although USPS had determined the package was undeliverable, Ms. Drennen indicated the address appeared to be correct. Ms. Drennen then stated she had re-mailed the report to the physical address of the OPR and asked what the Committee should do next. The Reviewing Analyst advised her to fax RAD a cover letter explaining the situation, include tracking information and receipts for both the first and second mailings, and also provide the first four pages of the 2013 Year End Report (Attachment 2). Commission records indicate the fax was received on February 18, 2014.

On February 19, 2014, RAD sent a non-filer letter to the respondents informing them that they did not file the 2013 Year End Report. On February 20, after confirming with the RAD Reviewing Analyst that RAD had received the faxed documents, Ms. Drennen contacted the RAD Compliance Analyst listed as the point of contact on the non-filer letter. Ms. Drennen explained the situation, and the Compliance Analyst indicated the faxed documents would be reviewed for adequacy. The Compliance Analyst explained the non-filer letter would be removed from the public record if the documents proved the Committee's compliance (Attachment 2).

That same day, Ms. Drennen called the Reviewing Analyst and explained the conversation she had with the Compliance Analyst. While the challenge contends Ms. Drennen was told no further action would be required by the Committee, RAD telecoms indicate the Reviewing Analyst told her the Committee did not need to do anything further *at this time* (Attachment 2).

After the initial review of the faxed documents, RAD removed the non-filer letter from the public record. However, upon receiving the challenge and conducting further review, RAD reversed the removal of the letter. The respondents' challenge and supporting documentation indicate the original 2013 Year End Report was mailed to P.O. Box 77578, Alexandria, VA 22301, an invalid address. While the respondents listed the correct P.O. Box number, it appears they made an administrative error in listing the city, state, and zip code of OPR's previous mailing address.¹ Commission records indicate that the Committee correctly mailed prior reports to the current address, confirming the respondents were aware of the address change.

Although the respondents note that they timely submitted an unofficial electronic filing of the 2013 Year End Report "in a show of transparency," these voluntary filings are not considered when determining compliance with filing requirements. All reports required to be filed by the principal campaign committee of a candidate for the office of U.S. Senator shall be filed with the Secretary of the Senate. 2 U.S.C. § 432(g) and 11 C.F.R. § 105.2. The Commission's Campaign Guide for Congressional Candidates and Committees clearly states that Senate candidate committees...

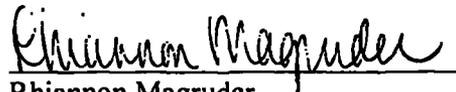
"...are required to file their reports on paper with the Secretary of the Senate... Senate candidates are encouraged to voluntarily file electronically an unofficial copy of their reports with the FEC (in addition to their official paper copy with the Secretary of the Senate) to ensure faster disclosure."

Negligence is included at 11 C.F.R. § 111.35(d) as an example of a circumstance that will not be considered reasonably unforeseen and beyond the respondents' control. Their challenge fails to address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$3,550 civil money penalty.

¹ On January 17, 2012, the OPR mailing address changed from P.O. Box 5109, Alexandria, VA 22301 to P.O. Box 77578, Washington, DC 20013.

DECLARATION OF RHIANNON MAGRUDER

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2013 Year End Report is due January 31, 2014. Senate principal campaign committees must file reports with the Secretary of the Senate. If the report is sent by registered or certified mail, by Express or Priority Mail with delivery confirmation or by overnight delivery service with an online tracking system, and scheduled for next business day delivery, it must be postmarked, or deposited with the mailing service, no later than the filing date to be timely filed.
3. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to administrative fine regulations, including due dates of reports and filing requirements.
4. I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of
 - A. Miscellaneous Document received via fax on February 18, 2014.
 - B. Cover Page, Summary Page, Detailed Summary Pages, and the Senate Office of Public Records processing sheet for the 2013 Year End Report filed by McCaskill for Missouri and Michelle Sherod, in official capacity as Treasurer. According to the Commission's records, the report covers the period from October 1, 2013 through December 31, 2013 and was filed on February 14, 2014.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 18th of June, 2014.



Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

RHIANNON MAGRUDER

1 pages



RECEIVED
OFFICE OF THE SENATE
PUBLIC RECORDS
FEC - RAD
Reports Analysis Div.

14 FEB 20 AM 11:07
18 FEB '14 RCVD

MISCELLANEOUS TEXT (FEC Form 99)
February 14, 2014

Identification Number: C00431304

Tyler Culberson
Campaign Finance Analyst
Reports Analysis Division
Federal Election Commission
Washington, DC 20543

Reference: 2013 Year End Report due 1/31/2014

Per our discussion today, the 2013 Year End report was shipped via USPS Priority Mail to the Senate Office of Public Records PO Box in Alexandria, VA with a delivery signature required on 01/31/2014. The tracking number of this package was EK021065801US. The package is attached.

The package was returned back to the campaign on 2/14/2014 with a note stating that USPS was unable to deliver the package because the PO Box was not found.

The Report was resent today, 2/14/2014 via Priority Mail to the Senate Office of Public Records at the Hart Office Building address, also with the signature required. Tracking number for this new shipment is EK066680723US.

Per your instructions I have enclosed the first pages of the above mentioned report.

Regards,

Kathryn Jayne Dreanien, Deputy Treasurer

McCaskill for Missouri
(314) 968-2600 Office

P.O. Box 300077 St. Louis, MO 63130 - Phone 314-976-5100 Fax 314-976-5128

www.ClaireMcCaskill.com

Paid for by McCaskill for Missouri

(1)

14020152698

14020152698

JACKENZIE POINTE BRANCH

Saint Louis, Missouri

631199998

2871440236 -0097

(314)351-5281

01:56:39 PM

01/30/2014

| Product Description | Sales Receipt | | Final Price |
|---------------------|---------------|------------|-------------|
| | Sale Qty | Unit Price | |

| | | | |
|-----------------------------------|---|---------|---------|
| (Forever) | 1 | \$49.00 | \$49.00 |
| Star-Spangled Banner PSA Coll/100 | | | |
| (Forever) | 1 | \$49.00 | \$49.00 |
| Star-Spangled Banner PSA Coll/100 | | | |
| CAMBRIDGE MA 02139 Zone-6 | | | \$3.76 |
| First-Class Mail Parcel | | | |
| 10.50 oz. | | | |

Expected Delivery: Mon 02/03/14

PID #:

91149011898655928074E2

Issue PVI:

\$3.76

ALEXANDRIA VA 22301 Zone-5 \$35.20

Priority Mail Express 1-Day

1 lb. 8.80 oz.

USPS Tracking #:

EK021065801US

Scheduled Delivery Day: Sat 02/07/14

03:00PM - Money Back Guarantee

Includes \$100 insurance

Signature Waived

Issue PVI:

\$35.20

Total:

\$136.96

Paid by:

Personal Check

\$136.96

14020152699

2

FEC
FORM 3

REPORT OF RECEIPTS AND DISBURSEMENTS

For An Authorized Committee

RECEIVED
SECRETARY OF THE SENATE
PUBLIC GOODS

RECEIVED
SECRETARY OF THE SENATE
PUBLIC GOODS

14 FEB 20 AM 11:07

FEB 20 AM 11:07

1. NAME OF COMMITTEE (in full) TYPE OR PRINT Example: if typing, type over the lines. 12FE4H5
McCaskill for Missouri

ADDRESS number and street PO Box 300177
St. Louis

2. FEC IDENTIFICATION NUMBER C CD0431304
CITY STATE ZIP CODE
MO 63

4. TYPE OF REPORT (Choose One)
(a) Quarterly Reports:
April 15 Quarterly Report (Q1)
July 15 Quarterly Report (Q2)
October 15 Quarterly Report (Q3)
X January 31 Year-End Report (YE)
Termination Report (TER)
(b) 72-Day PRE-Election Report for the
General (12G) Runoff (12R)
Special (12S)
Election on in the State of
(c) 30-Day POST-Election Report for the
General (30G) Runoff (30R) Special (30S)
Election on in the State of

5. Covering Period 10 01 2013 through 12 31 2013

I hereby declare that I have prepared this Report and to the best of my knowledge and belief it is true, correct and complete.
Signature of Treasurer: Ms. Kathryn E. Jovine Ormrod
Date: 02 19 2013

14020152701

14020152701

FEC FORM 3

SUMMARY PAGE
of Receipts and Disbursements

Name or Type Committee Name
McCaskill for Missouri

Report Covering the Period: From: 10 01 2013 To: 12 31 2013

| | COLUMN A This Period | COLUMN B Election Cycle-to-Date |
|--|-------------------------|------------------------------------|
| 6. Net Contributions (other than loans) | | |
| (a) Total Contributions (other than loans) (from Line 11(e)) .. | 87382.17 | 750836.12 |
| (b) Total Contribution Refunds (from Line 20(d)) | 425.00 | 2051.00 |
| (c) Net Contributions (other than loans; subtract Line 6(b) from Line 6(a)) | 86957.17 | 732287.12 |
| 7. Net Operating Expenditures | | |
| (a) Total Operating Expenditures (from Line 17) | 43582.56 | 1083892.80 |
| (b) Total Offsets to Operating Expenditures (from Line 14) | 88.00 | 88173.21 |
| (c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a)) | 43670.56 | 1077715.56 |
| 8. Cash on Hand at Close of Reporting Period (from Line 27) | 146707.32 | |
| 9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D) | 0.00 | |
| 10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D) | 15000.00 | |

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

FESAND12

(5)

14020152702

**DETAILED SUMMARY PAGE
of Receipts**

FEC Form 3 (Revised 12/2003)

PAGE 31 148

Write or Type Committee Name
McCaskill for Missouri

Report Covering the Period: From: 10 01 2013 To: 12 31 2013

| I. RECEIPTS | COLUMN A Total This Period | COLUMN B Election Cycle-to-Date |
|--|-------------------------------|------------------------------------|
| 11. CONTRIBUTIONS (other than loans) FROM: | | |
| (a) Individuals/Persons Other Than Political Committees | | |
| (i) Remitted (use Schedule A)..... | 46717.50 | 346185.85 |
| (ii) Unitemized..... | 12194.37 | 122349.55 |
| (iii) TOTAL of contributions from Individuals | 58911.87 | 538447.25 |
| (b) Political Party Committees | 6.88 | 0.88 |
| (c) Other Political Committees (such as PACs) | 34500.00 | 216390.82 |
| (d) The Candidate | 0.00 | 0.00 |
| (e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(i), (b), (c), and (d)) | 93418.75 | 754838.12 |
| 12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES | 14500.00 | 111923.77 |
| 13. LOANS: | | |
| a) Made or Guaranteed by the Candidate..... | 0.00 | 30000.00 |
| b) All Other Loans..... | 3.00 | 0.00 |
| (c) TOTAL LOANS (add Lines 13(a) and (b))..... | 3.00 | 30000.00 |
| 14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) | 88.00 | 68173.21 |
| 15. OTHER RECEIPTS (Dividends, Interest, etc.) | 16023.96 | 34205.83 |
| 16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4) | 147993.73 | 1017140.93 |

14020152703

RES-0018

(6)

**DETAILED SUMMARY PAGE
of Disbursements**

FEC Form 3 (Revised 02/2009)

PAGE 4 / 145

| II. DISBURSEMENTS | COLUMN A Total This Period | COLUMN B Election Cycle-to-Date |
|--|-------------------------------|------------------------------------|
| 17. OPERATING EXPENDITURES..... | 43592.56 | 108382.80 |
| 18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES..... | 0.00 | 88.00 |
| 19. LOAN REPAYMENTS: | | |
| (a) Of Loans Made or Guaranteed by the Candidate..... | 0.00 | 15000.00 |
| (b) Of All Other Loans..... | 0.00 | 0.00 |
| (c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b))..... | 0.00 | 15000.00 |
| 20. REFUNDS OF CONTRIBUTIONS TO: | | |
| (a) Individuals/Persons Other Than Political Committees..... | 425.00 | 11081.00 |
| (b) Political Party Committees..... | 0.00 | 0.00 |
| (c) Other Political Committees (such as PACs)..... | 0.00 | 9500.00 |
| (d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c))..... | 425.00 | 20581.00 |
| 21. OTHER DISBURSEMENTS..... | 25020.00 | 153192.22 |
| 22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ▶ | 69017.56 | 177774.02 |

III. CASH SUMMARY

| | |
|---|-----------|
| 23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD..... | 28731.15 |
| 24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3)..... | 147983.73 |
| 25. SUBTOTAL (add Line 23 and Line 24)..... | 217724.88 |
| 26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)..... | 69017.56 |
| 27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25)..... | 148707.32 |

L
FEB 10 10

⑦

14020152704

INFORMATION

RECEIVED
SECRETARY OF THE SENATE
PUBLIC AFFAIRS

FEB 20 AM 10:13

Office Use Only

FEC
FORM 3

REPORT OF RECEIPTS
AND DISBURSEMENTS

For An Authorized Committee

1. NAME OF COMMITTEE (in full) TYPE OR PRINT Example: If typing, type over the lines.

McCaskill for Missouri

12FE4M5

ADDRESS (number and street)

PO Box 300077



Check if different than previously reported. (ACC)

St. Louis

MO

63130

2. FEC IDENTIFICATION NUMBER

C00431304

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS REPORT



NEW (N)

OR



AMENDED (A)

MO

00

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:



April 15 Quarterly Report (Q1)



July 15 Quarterly Report (Q2)



October 15 Quarterly Report (Q3)



January 31 Year-End Report (YE)



Termination Report (TER)

(b) 12-Day PRE-Election Report for the:



Primary (12P)



General (12G)



Runoff (12R)



Convention (12C)



Special (12S)

Election on

MM

DD

YYYY

in the State of

XX

(c) 30-Day POST-Election Report for the:



General (30G)



Runoff (30R)



Special (30S)

Election on

MM

DD

YYYY

in the State of

XX

5. Covering Period

MM 10

DD 01

YYYY 2013

through

MM 12

DD 31

YYYY 2013

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Mrs. Kathryn E. Jayne Drennen

Signature of Treasurer Mrs. Kathryn E. Jayne Drennen

Date

MM 01

DD 30

YYYY 2014

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office Use Only

FEC FORM 3
(Revised 02/2003)

14020152387

14020152387

SUMMARY PAGE
of Receipts and Disbursements

FEC Form 3 (Revised 02/2003)

PAGE 2 / 146

Write or Type Committee Name
McCaskill for Missouri

Report Covering the Period: From: / / To: / /

| | COLUMN A This Period | COLUMN B Election Cycle-to-Date |
|--|-------------------------|------------------------------------|
| 6. Net Contributions (other than loans) | | |
| (a) Total Contributions (other than loans) (from Line 11(e)) | 87382.17 | 754836.12 |
| (b) Total Contribution Refunds (from Line 20(d)) | 425.00 | 20551.00 |
| (c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a)) | 86957.17 | 734287.12 |
| 7. Net Operating Expenditures | | |
| (a) Total Operating Expenditures (from Line 17) | 43592.56 | 1083892.80 |
| (b) Total Offsets to Operating Expenditures (from Line 14) | 88.00 | 66173.21 |
| (c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a)) | 43504.56 | 1017719.59 |
| 8. Cash on Hand at Close of Reporting Period (from Line 27) | 148707.32 | |
| 9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D) | 0.00 | |
| 10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D) | 35000.00 | |

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

14020152388

DETAILED SUMMARY PAGE
of Receipts

FEC Form 3 (Revised 12/2003)

PAGE 3 / 148

Write or Type Committee Name

McCaskill for Missouri

Report Covering the Period: From:

MM / DD / YYYY
10 / 01 / 2013

To:

MM / DD / YYYY
12 / 31 / 2013

I. RECEIPTS

COLUMN A
Total This Period

COLUMN B
Election Cycle-to-Date

11. CONTRIBUTIONS (other than loans) FROM:

(a) Individuals/Persons Other Than Political Committees

(i) Itemized (use Schedule A).....

40717.80

348106.65

(ii) Unitemized.....

12164.37

192340.55

(iii) TOTAL of contributions from individuals ▶

52882.17

538447.20

(b) Political Party Committees.....

0.00

0.00

(c) Other Political Committees (such as PACs).....

34500.00

216390.92

(d) The Candidate.....

0.00

0.00

(e) TOTAL CONTRIBUTIONS

(other than loans)
(add Lines 11(a)(ii), (b), (c), and (d))..

87382.17

754838.12

12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES.....

44500.00

111923.77

13. LOANS:

(a) Made or Guaranteed by the Candidate.....

0.00

50000.00

(b) All Other Loans.....

0.00

0.00

(c) TOTAL LOANS
(add Lines 13(a) and (b)).....

0.00

50000.00

14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.).....

88.00

66173.21

15. OTHER RECEIPTS (Dividends, Interest, etc.).....

18023.56

34205.83

16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4)..... ▶

147993.73

1017140.93

UNCONFIDENTIAL

14020152389

DETAILED SUMMARY PAGE
of Disbursements

II. DISBURSEMENTS

COLUMN A
Total This Period

COLUMN B
Election Cycle-to-Date

| | | |
|--|----------|------------|
| 17. OPERATING EXPENDITURES..... | 43592.56 | 1083892.80 |
| 18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES..... | 0.00 | 88.00 |
| 19. LOAN REPAYMENTS: | | |
| (a) Of Loans Made or Guaranteed by the Candidate..... | 0.00 | 15000.00 |
| (b) Of All Other Loans..... | 0.00 | 0.00 |
| (c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b))..... | 0.00 | 15000.00 |
| 20. REFUNDS OF CONTRIBUTIONS TO: | | |
| (a) Individuals/Persons Other Than Political Committees..... | 425.00 | 11051.00 |
| (b) Political Party Committees..... | 0.00 | 0.00 |
| (c) Other Political Committees (such as PACs)..... | 0.00 | 9500.00 |
| (d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c))..... | 425.00 | 20551.00 |
| 21. OTHER DISBURSEMENTS..... | 25000.00 | 153192.22 |
| 22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ▶ | 69017.56 | 1272724.02 |

III. CASH SUMMARY

| | |
|---|-----------|
| 23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD..... | 69731.15 |
| 24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3)..... | 147993.73 |
| 25. SUBTOTAL (add Line 23 and Line 24)..... | 217724.88 |
| 26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)..... | 69017.56 |
| 27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25)..... | 148707.32 |

14020152390

NANCY ERICKSON
SECRETARY

DANA K. MCCALLUM
SUPERINTENDENT
HARY SENATE OFFICE BUILDING
SUITE 232
WASHINGTON, DC 20510-7116
PHONE (202) 224-0322

United States Senate

OFFICE OF THE SECRETARY

OFFICE OF PUBLIC RECORDS

THE PRECEDING DOCUMENT WAS:

HAND DELIVERED _____
Date of Receipt

USPS FIRST CLASS MAIL _____
Postmark

USPS REGISTERED/CERTIFIED _____
Postmark

USPS PRIORITY MAIL _____
Postmark

DELIVERY CONFIRMATION OR SIGNATURE CONFIRMATION LABEL

USPS EXPRESS MAIL 2/14/14
Postmark

OVERNIGHT DELIVERY SERVICE:

| | SHIPPING DATE | NEXT BUSINESS DAY DELIVERY |
|------------------|---------------|----------------------------|
| FEDERAL EXPRESS | _____ | <input type="checkbox"/> |
| UPS | _____ | <input type="checkbox"/> |
| DHL | _____ | <input type="checkbox"/> |
| AIRBORNE EXPRESS | _____ | <input type="checkbox"/> |

RECEIVED FROM FEDERAL ELECTION COMMISSION _____
Date of Receipt

POSTMARK ILLEGIBLE NO POSTMARK

FAX _____
Date of Receipt

OTHER _____
Date of Receipt or Postmark

PREPARER MN DATE PREPARED 2/20/14

14020152534

14020152534



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

June 18, 2014

Michelle Sherod
McCaskill for Missouri
P.O. Box 300077
St. Louis, MO 63130

C00431304
AF#: 2782

Dear Ms. Sherod

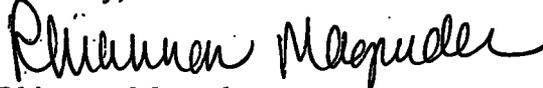
On April 3, 2014, the Federal Election Commission ("Commission") found reason to believe ("RTB") that McCaskill for Missouri and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2013 Year End Report. The Commission also made a preliminary determination that the civil money penalty was \$3,550 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463 or via facsimile (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,


Rhiannon Magruder
Reviewing Officer
Office of Administrative Review



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2014 JUL 16 PM 12: 24

July 16, 2014

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer *AP*
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: AF# 2782 – McCaskill for Missouri and Michelle Sherod, in her official capacity as Treasurer (C00431304)

On April 3, 2014, the Commission found reason to believe (“RTB”) that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2013 Year End Report and made a preliminary determination that the civil money penalty was \$3,550, based on the schedule of penalties at 11 C.F.R. § 111.43.

On May 12, 2014, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated June 18, 2014 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$3,550 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received. However, since receiving the ROR, the Assistant Treasurer called the Reviewing Officer to recognize her administrative error. She also indicated she will be paying the civil money penalty with her personal funds.

OAR Recommendations

- 1) Adopt the Reviewing Officer recommendation for AF# 2782 involving McCaskill for Missouri and Michelle Sherod, in her official capacity as Treasurer, in making the final determination;
- 2) Make a final determination in AF# 2782 that McCaskill for Missouri and Michelle Sherod, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a \$3,550 civil money penalty; and
- 3) Send the appropriate letter.

Reviewing Officer: Rhiannon Magruder

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 2782
Final Determination Recommendation:)
McCaskill for Missouri and Michelle)
Sherod, in her official capacity as)
Treasurer (C00431304))

CERTIFICATION

Shelley E. Garr, recording secretary of the Federal Election Commission executive session, do hereby certify that on December 16, 2014, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 2-3 to:

Terminate the proceedings pursuant to 11 C.F.R. § 111.37(b).

Commissioners Ravel and Weintraub voted affirmatively for the motion. Commissioners Goodman, Hunter, and Petersen dissented. Commissioner Walther did not vote.

2. Decided by a vote of 4-2 to:

- a. Adopt the Reviewing Officer recommendation for AF# 2782 involving McCaskill for Missouri and Michelle Sherod, in her official capacity as Treasurer, in making the final determination.
- b. Make a final determination in AF# 2782 that McCaskill for Missouri and Michelle Sherod, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a \$3,550 civil money penalty.
- c. Send the appropriate letter.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 18, 2014

Michelle Sherod
McCaskill for Missouri
P.O. Box 300077
St. Louis, MO 63130

C00431304
AF#: 2782

Dear Ms. Sherod

On April 3, 2014, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that McCaskill for Missouri and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a))¹ for failing to file the 2013 Year End Report. By letter dated April 4, 2014, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$3,550 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On May 12, 2014, the Office of Administrative Review received your written response, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that McCaskill for Missouri and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a civil money penalty in the amount of \$3,550 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Reviewing Officer Recommendation, a copy of which was sent to you on June 19, 2014.

On December 16, 2014, the Commission adopted the Reviewing Officer's recommendation and made a final determination that McCaskill for Missouri and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assessed a civil money penalty of \$3,550. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the Final Determination Recommendation is attached.

At this juncture, the following courses of action are available to you:

¹ On September 1, 2014, the Federal Election Campaign Act of 1971, as amended ("the Act"), was transferred from Title 2 of the United States Code to new Title 52 of the United States Code.

1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. § 30109(a)(4)(C)(iii) (formerly 2 U.S.C. § 437g(a)(4)(C)(iii)). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 52 U.S.C. § 30109 (formerly 2 U.S.C. § 437g). 11 CFR § 111.38.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed remittance form, along with your payment, to the address on page 4 within 30 days of receipt of this letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed upon making a final determination.

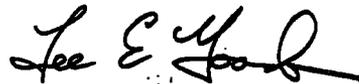
5. Settlement Offers

If you make a payment in an amount less than the civil money penalty as an offer to settle or compromise a debt owed to the Commission, the offer is herewith rejected despite any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) (formerly 2 U.S.C. § 437g(a)(12)) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 CFR § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Lee E. Goodman
Chairman

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$3,550 for the 2013 Year End Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC # 979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: McCaskill for Missouri

FEC ID#: C00431304

AF#: 2782

PAYMENT AMOUNT DUE: \$3,550



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2782

DATE SCANNED 1/30/15

SCANNER NO. 2

SCAN OPERATOR SES